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Case 7200

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of :  
Michael Mäker et. al. : Group Art Unit: 1733  
Serial No.: 10/084,381 : Examiner: Barbara J. Musse  
Filed: February 28, 2002 :  
For: METHOD FOR PRODUCING AN :  
EMBOSSING ROLLER FROM SILICONE:  
RUBBER FOR THE CONTINUOUS :  
EMBOSSING OF THE SURFACE OF A :  
THERMOPLASTIC FILM :

**DECLARATION UNDER 37 C.F.R. § 1.132**

As a below named inventor, I hereby declare that:

I have reviewed and understand the claimed invention, as set forth in the independent claim in the December 9, 2004 Amendment.

In order to compare the results of the claimed method when using the claimed nitrile butadiene rubber material (NbR) as the claimed material in the region of the circumferential surface of the auxiliary roller versus the PRIOR ART silicone rubber material being used in the claimed region of the circumferential surface of the auxiliary roller, three (3) Test Series were conducted; i.e. Test Series 1, Test Series 2, and Test Series

In each of the three(3) Test Series, silicone embossing copies were produced from the auxiliary roller in accordance with the claimed method.

First, in each of the three(3) Test Series, silicone embossing copies were produced from the auxiliary roller using PRIOR ART silicone rubber as the material in the claimed region of the circumferential surface of the auxiliary roller, yet otherwise in accordance with the claimed method. Each of the silicone embossing copies thus produced was inspected to determine whether the embossing copy produced was a commercially acceptable copy.

Then, in each of the three Test Series conducted, the claimed nitrile butadiene rubber material was used as the claimed material in the region of the circumferential surface of the auxiliary roller, in accordance with the claimed method. Again, each silicone embossing copy produced in accordance with the claimed method when using the claimed nitrile butadiene rubber material in the region of the circumferential surface was inspected to determine whether the thus produced silicone embossing copy was commercially acceptable.

The following TABLE sets forth the results of those three Test Series.

Those three Test Series show that in Test Series 1 only two(2) commercially acceptable silicone embossing copies were produced when the PRIOR ART silicone rubber material was used; however, in that Test Series 1 eighteen(18) commercially acceptable embossing copies were produced when the claimed nitrile butadiene rubber material was used.

In the same manner, Test Series 2 revealed that four(4) commercially acceptable copies were produced using the PRIOR ART silicone rubber material versus twenty-five(25) commercially acceptable silicone embossing copies when using the claimed nitrile butadiene rubber material.

Finally, in Test Series 3, three(3) commercially acceptable silicone embossing copies were produced from the same auxiliary roller when the PRIOR ART silicone rubber material was used, as opposed to forty(40) commercially acceptable copies when using the claimed nitrile butadiene rubber material.

The following **TABLE** summarizes the commercially acceptable production numbers obtained as outlined above, and contrasts PRIOR ART silicone rubber usage with the claimed nitrile butadiene rubber (NbR) material in accordance with the claimed method:

TABLE

Number of commercially acceptable  
silicone embossing copies<sup>1</sup>  
produced from the same auxiliary  
roller

	Test Series 1	Test Series 2	Test Series
Material in the claimed region of the circumferential surface of the claimed auxiliary roller			
PRIOR ART silicone rubber material	2 copies <sup>1</sup>	4 copies	3 copie
the claimed nitrile butadiene rubber material	18 copies <sup>1</sup>	25 copies	40 copi

<sup>1</sup>Number of commercially acceptable silicone embossing  
copies produced from the same auxiliary roller in accordance  
with the claimed method of producing an embossing roller havir  
an embossing surface made of silicone rubber for continuously  
embossing the surface of a thermoplastic film

Thus, on average, three(3) commercially acceptable copies were made using the prior art silicone rubber material; i.e.  $(2+4+3)/3 = 3$  copies.

On average 27.6 commercially acceptable copies were made when using the claimed nitrile butadiene material; i.e.  $(18+25+40)/3$  tests = 27.7 copy/test. Thus, on average, about 9 times as many commercially acceptable copies were made using the claimed nitrile butadiene rubber material as compared with the prior art silicone rubber material; i.e.  $(18+25+40)/(2+4+3) = 83/9 = 9.2$  times as many copies.

This production of about 9 times as many copies of a commercially acceptable product produced in accordance with the claimed invention clearly points to the superiority of the properties of the claimed nitrile butadiene rubber used as the claimed material in the claimed region of the circumferential surface as opposed to the prior art use of silicone rubber material.

This ability to produce about 9 times as many commercially acceptable copies is clearly a result of and a property of the claimed invention not possessed by the prior art silicone rubber material.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed by me on this date:

Date: 9. February 2007

Name: R. Ohlinger

(Dr. Rainer Ohlinger)

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